

By: Dutton

H.B. No. 254

A BILL TO BE ENTITLED

AN ACT

relating to the penalties for possession of two ounces or less of marihuana.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.121(b), Health and Safety Code, is amended to read as follows:

(b) An offense under Subsection (a) is:

(1) a Class C misdemeanor if the amount of marihuana possessed is one ounce or less;

(2) a Class B misdemeanor if the amount of marihuana possessed is two ounces or less but more than one ounce;

(3) [~~(2)~~] a Class A misdemeanor if the amount of marihuana possessed is four ounces or less but more than two ounces;

(4) [~~(3)~~] a state jail felony if the amount of marihuana possessed is five pounds or less but more than four ounces;

(5) [~~(4)~~] a felony of the third degree if the amount of marihuana possessed is 50 pounds or less but more than 5 pounds;

(6) [~~(5)~~] a felony of the second degree if the amount of marihuana possessed is 2,000 pounds or less but more than 50 pounds; and

(7) [~~(6)~~] punishable by imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 5

1 years, and a fine not to exceed \$50,000, if the amount of marihuana  
2 possessed is more than 2,000 pounds.

3 SECTION 2. Section 521.372(a), Transportation Code, is  
4 amended to read as follows:

5 (a) A person's driver's license is automatically suspended  
6 on final conviction of:

7 (1) an offense under the Controlled Substances Act;

8 (2) a drug offense other than an offense under Section  
9 481.121(b)(1), Health and Safety Code; or

10 (3) a felony under Chapter 481, Health and Safety  
11 Code, that is not a drug offense.

12 SECTION 3. (a) This Act takes effect September 1, 2005.

13 (b) The change in law made by this Act applies only to an  
14 offense committed on or after September 1, 2005.

15 (c) An offense committed before September 1, 2005, is  
16 covered by the law in effect when the offense was committed, and the  
17 former law is continued in effect for that purpose. For purposes of  
18 this section, an offense was committed before September 1, 2005, if  
19 any element of the offense was committed before that date.